

REMARKS

The specification is amended to insert a publication number in place of an attorney docket reference on page 2. The claims are not amended, but are repeated here for the convenience of the Examiner. Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 1-16 are indicated as rejected under 35 USC §102(a) or §102(e) over U.S. Patent Application Publication US 2003/0176283A1 to Simpson et al. Applicants note pending claims are 1-17, and presume all claims 1-17 were intended to be rejected by the Examiner. For at least the following reasons, Applicants traverse the rejection.

Simpson et al. is directed to a heat transferable UV protective image overcoat, wherein the overcoat comprises a UV-absorbing compound of a hydroxyphenyl triazine. The application is directed to a process of forming a protection layer with improved gloss on top of a thermal dye transfer image in a thermal print, wherein the protection layer comprises a UV-absorbing compound, and wherein the printing occurs at a line time of 0.4-2 milliseconds.

As submitted in the accompanying Declaration under 37 C.F.R. §1.132, the common inventors of Jacob J. Hastreiter, Jr., and William H. Simpson are responsible for the concepts of 1) providing a heat transferable protective overcoat having a UV-absorbing compound to improve image stability, and 2) using various UV-absorbing compounds in a protection layer for a thermal dye-transfer image in a thermal print to improve image gloss. Thus, the concept of including a UV-absorbing compound in a protective overcoat or protection layer used in thermal printing was developed by the common inventors of the applied reference of Simpson et al. and the pending application.

Because the common subject matter was developed by common inventors between the applied reference and the pending application, the applied reference is describing Applicants' own work by common inventors and should not be used against Applicants' present application. *See* MPEP §2132.01 and §2136.05. Reconsideration and withdrawal of the rejection are in order, and are respectfully solicited.

Applicants submit all of claims 1-17 are in condition for allowance, no other substantive rejections having been set forth by the Examiner. Prompt action in the form of a Notice of Allowance is thus earnestly solicited.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.